

SOUTHERN DISTRICT OF Florida
MIAMI, Florida....

ALAN BRADLY KIRCHER

00-4068

Vs.

CASE NO: _____

DOCTOR SOLORZANO
Florida Department of Corrections

CIV - HUCK
MAGISTRATE JUDGE
SORRENTINO

AMENDMENT TO COMPLAINT

THE PLAINTIFF ALAN BRADLY KIRCHER, PRO-SE HEREIN SUBMITS THE
FORGOING AMENDMENT TO COMPLAINT AND HAS RESPECTFULLY INVOKED THE
JURISDICTION UNDER TITLE 42 U.S. CONSTITUTION SECTION 1983.

THE PLAINTIFF IN THIS CAUSE HOLD'S DOCTOR SOLORZANO, THE DEPART-
MENT OF CORRECTIONS, DADE CORRECTIONAL AND THE STATE OF FLORIDA LIABLE IN
HIS INDIVIDUAL AND OFFICIAL CAPACITY FOR NEGLECT, AND DELIBERATE INDIFFERENCE
TO THE PLAINTIFF'S MEDICAL NEEDS BY DENYING THE PLAINTIFF MEDICAL CARE FOR
A SERIOUS MEDICAL PROBLEM WITH HIS LEFT THIGH AND RIGHT SHOULDER IN
WHICH RESULTED IN THE PLAINTIFF SUFFERING WITH SEVERE PHYSICAL PAIN AND ALSO
PSYCHOLOGICAL PROBLEMS IN WHICH DOES CONSTITUTE CRUEL AND UNUSUAL PUNISH-
MENT IN THE DIRECT VIOLATION OF THE EIGHTH AMENDMENT OF THE U.S. CONSTITUTION.

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PLAINTIFF SEEKS FROM THIS COURT AN ORDER AWARDED HIM THE TOTAL SUM OF \$5,000,000.00 DIRECTLY AGAINST THE DEFENDANT(S) DOCTOR SOLORZANO AND THE FLORIDA DEPARTMENT OF CORRECTIONS IN THE CAUSE.

FACT(S)

THE PLAINTIFF STATES(S) IN 1998 AND 1999 WHERE HE WAS IN THE FLORIDA DEPARTMENT OF CORRECTIONS "DADE CORRECTIONAL INSTITUTION". HE STATES THAT HE WAS HAVING PROBLEMS(S) WITH HIS RIGHT SHOULDER. HE GOT X-RAYS AND AN M.R.I. IN WHICH SHOWED MY ROTATOR CUFF HAD A TEAR HE WAS THEN BROUGHT TO PHYSICAL THERAPY AND HAD MULTIPLE INJECTION(S) WHICH DID NO GOOD. I WAS THEN SENT TO NORTH FLORIDA RECEPTION CENTER WHERE I RECEIVED EVERYTHING BUT SURGERY WHICH I NEEDED.

THE PLAINTIFF WAS RELEASED FROM PRISON BEFORE THE SURGERY COULD BE DONE HE HAD SURGERY DONE ON HIS OWN. ON JUNE 20TH 2000 HE WAS RECEIVED BACK IN PRISON AT SOUTH FLORIDA RECEPTION CENTER. HE INFORMED ALL OF THE MEDICAL STAFF OF HIS RIGHT SHOULDER SURGERY BUT WAS PLACED ON THE TOP BUNK ANYWAY'S AND FORCE TO USE HIS RIGHT ARM AND SHOULDER AND IN THE PROGRESS REHURT HIS RIGHT SHOULDER. HE BROUGHT THIS TO THE MEDICAL STAFF'S ATTENTION ON JUNE 23, 2000. SINCE THIS TIME HE HAS FILED A NUMBER OF REQUEST(S), INFORMAL GRIEVANCE(S) AND FORMAL GRIEVANCE(S) ALL OF WHICH WERE APPROVED YET! NOTHING HAS BEEN DONE. THE PLAINTIFF'S MEDICAL RECORD(S) WILL REVEAL THE FOREGOING FACT(S) IN THIS CASE TO BE TRUE AND CORRECT.

THE PLAINTIFF AIAN BRADLY KIRCHER WILL STATE FACT(S) TO THE COURT WHICH WILL PROVE THAT WHILE AT "DADE CORRECTIONAL INSTITUTION" HE WENT TO SICK CALL ENOUGH TIME'S COMPLAINING OF THE PAIN HE WAS HAVING WITH HIS RIGHT SHOULDER AND LEFT THIN HE STATED THAT HE WAS IN SO MUCH PAIN BUT HE HAD TO GO WITH OUT TREATMENT BECAUSE THERE WAS A LONG LIST OF OTHER INMATES WHO HAD TO BE SEEN.

THEREFORE THE PLAINTIFF WOULD HAVE TO WAIT FOR SIX (6) WEEKS BEFORE HE COULD RECEIVE ANY NEEDED MEDICAL TREATMENT, WHEREAS THE PLAINTIFF HAS TO CONTINUE TO SUFFER SEVERELY WITH PHYSICAL PAIN AND PSYCHOLOGICAL AND EMOTIONAL PROBLEMS BECAUSE OF THE MEDICAL NEGLECT ON BEHAVE OF THE DOCTORS AT DADE CORRECTIONAL INSTITUTION THE PLAINTIFF HAS STARTED A COGNIZABLE CLAIM UNDER SECTION 1983 THEREFORE DOCTOR SOLORZANO ACTS ARE EVIDENCE TO HIS DELIBERATE INDIFFERENCE FOR THE PLAINTIFF'S MEDICAL NEEDS.

THE DEFENDANT HAS FAILED HIS DUTY WHILE ACTING UNDER THE CODE OF STATE LAW, PLACING THE PLAINTIFF UNDER A LOT OF MENTAL STRESS AS WELL AS SEVERE PAIN AND SUFFERING.

WHEREAS THE PLAINTIFF HAS STATED A CLAIM FOR RELIEF UNDER TITLE 42 U.S.C. SEC. 1983 IN WHITHORN VS. HARVELSON 753 F.2d 1416, 1419 (11TH CIR. 1985) PLAINTIFF HAS ALSO STATED PROVEN FACTS AND AFFIRMATIVE CASUAL CONNECTION BETWEEN HIM AND THE DEFENDANT RESULTING IN THE DEPRIVATION OF THE PLAINTIFF'S CONSTITUTIONAL RIGHTS.

SEE: E.G. WILLIAMSON VS. BENNETT 689 F.2d 1370 (11TH CIR 1982) ALSO: MCLAUGHLIN VS. CITY OF LAGRANGE 662 F.2d 1385 (11TH CIR 1981).

EACH INDIVIDUAL DEFENDANT CAN BE HELD ONLY LIABLE FOR WHAT HE/SHE DID PERSONALLY AND NOT FOR ANY RECKLESSNESS ON THE PART OF ANY OTHER OFFICIAL SINGLE OR AS A GROUP: SEE BENNETT VS. PASSIC 54 F.2d 1260, 1262-63 (10TH CIR 1978) (PERSONAL PARTICIPATION IS AN ESSENTIAL ALLEGATION IN A 1983 CLAIM)

WHEREAS BASED ON THE FORGOING FACTS STATED HEREIN THE PLAINTIFF PRAYS THAT THIS HONORABLE COURT WILL ENTER IN AND ON HIS BEHALF.

Respectfully Submitted
Alan B. Kircher
ALAN BRADLY KIRCHER

UNNOTORIZED OATH

State of Florida

COUNTY OF DADE

UNDER THE PENALTIES AND AUTHORITY OF SECTION 92.525 F.S. AND
STATE VS. SHEAVER 628 SO. 2d 104 MAKES THE FOLLOWING OATH UNDER
THE PENALTIES OF PERJURY. THE PLAINTIFF HEREBY DECLARES THAT HE DID
CONTAIN THE FOLLOWING ABOVE AND FORGOING AMENDMENT TO COMPLAINT AND
THAT THE FACTS STATED HERE IN ARE TRUE AND CORRECT.

DONE THIS 23 DAY OF OCTOBER 2000

s/ Alan B. Kucher